

inducing apoptosis, comprising:

- A1
- a) contacting recombinant cells with said therapeutic agent, said cells containing
    - i) a first plasmid expressing a p300/CBP responsive promoter operably linked to a first reporter gene;
    - ii) a second plasmid expressing a non p300/CBP responsive promoter operably linked to a second reporter gene; and
    - iii) a third plasmid expressing a selectable marker gene;
  - b) assessing cells for repression of the p300/CBP responsive reporter gene by said therapeutic reagent; and
  - c) assessing cells for repression of the non-p300/CBP responsive reporter gene by said therapeutic reagent, repression in step b) and not step c) indicating that the compound inhibits p300/CBP transactivation and thereby induces apoptosis.
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#### REMARKS

The September 25, 2002 Official Action and the references cited within have been carefully reviewed. In view of the amendments submitted herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

At page 3 of the Official Action, the Examiner has rejected claims 1-3 under 35 U.S.C. §112, second paragraph for allegedly failing to particularly point out and distinctly claim the subject matter regarded as the invention. Specifically, the Examiner contends that the metes and bounds of the phrases "recombinant cell," "p300," "a p300 responsive promoter," and "a non-p300 responsive promoter" are not clear.

At page 5 of the Official Action, the Examiner has rejected claims 1-3 under 35 U.S.C. §103(a) as allegedly being unpatentable over Lill et al. (Nature, vol. 387, p. 823-7), Gu et al. (Nature, vol. 387, p. 819-23), or Arany et al. (PNAS,